

Part 1

General Provisions

41-12a-101 Short title.

This chapter may be cited as the "Financial Responsibility of Motor Vehicle Owners and Operators Act."

Enacted by Chapter 242, 1985 General Session

41-12a-102 References to former provisions.

References to the former "Safety Responsibility Act" under former Title 41, Chapter 12, are considered to refer to the corresponding provisions under this chapter.

Enacted by Chapter 242, 1985 General Session

41-12a-103 Definitions.

As used in this chapter:

- (1) "Department" means the Department of Public Safety.
- (2) "Judgment" means any judgment that is final by:
 - (a) expiration without appeal of the time within which an appeal might have been perfected; or
 - (b) final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action for damages:
 - (i) arising out of the ownership, maintenance, or use of any motor vehicle, including damages for care and loss of services because of bodily injury to or death of any person, or because of injury to or destruction of property including the loss of use of the property; or
 - (ii) on a settlement agreement.
- (3) "License" or "license certificate" have the same meanings as under Section 53-3-102.
- (4)
 - (a) "Motor vehicle" means every self-propelled vehicle that is designed for use upon a highway, including trailers and semitrailers designed for use with other motorized vehicles.
 - (b) "Motor vehicle" does not include traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers, and every vehicle that is propelled by electric power obtained from overhead wires but not operated upon rails.
- (5) "Nonresident" means every person who is not a resident of Utah.
- (6) "Nonresident's operating privilege" means the privilege conferred upon a person who is not a resident of Utah by the laws of Utah pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in Utah.
- (7) "Operator" means every person who is in actual physical control of a motor vehicle.
- (8) "Owner" means:
 - (a) a person who holds legal title to a motor vehicle;
 - (b) a lessee in possession;
 - (c) a conditional vendee or lessee if a motor vehicle is the subject of a conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession in the conditional vendee or lessee; or
 - (d) a mortgagor if a motor vehicle is the subject of a mortgage with the mortgagor entitled to possession.

- (9) "Owner's or operator's security," "owner's security," or "operator's security" means any of the following:
- (a) an insurance policy or combination of policies conforming to Section 31A-22-302, which is issued by an insurer authorized to do business in Utah;
 - (b) an insurance policy or combination of policies issued or renewed prior to January 1, 2009 that:
 - (i) conformed to the minimum coverage limits of Section 31A-22-304 prior to January 1, 2009; and
 - (ii) conform to the current requirements other than the minimum coverage limits of policies issued in accordance with Section 31A-22-302;
 - (c) a surety bond issued by an insurer authorized to do a surety business in Utah in which the surety is subject to the minimum coverage limits and other requirements of policies conforming to Section 31A-22-302, which names the department as a creditor under the bond for the use of persons entitled to the proceeds of the bond;
 - (d) a deposit with the state treasurer of cash or securities complying with Section 41-12a-406;
 - (e) maintaining a certificate of self-funded coverage under Section 41-12a-407; or
 - (f) a policy conforming to Section 31A-22-302 issued by the Risk Management Fund created in Section 63A-4-201.
- (10) "Registration" means the issuance of the certificates and registration plates issued under the laws of Utah pertaining to the registration of motor vehicles.
- (11) "Self-insurance" has the same meaning as provided in Section 31A-1-301.

Amended by Chapter 371, 2008 General Session

41-12a-104 Rules of construction.

- (1) If a person maintains owner's security under this chapter, it does not limit his liability to the face amount of the owner's security.
- (2) Nothing in this chapter prevents the plaintiff in any action at law from relying for relief upon the other processes provided by law.
- (3) This chapter is cumulative with the requirements of the laws of this state requiring policies of motor vehicle insurance against liability. This subsection does not preclude compliance through a single policy which, by its terms or by an appropriate endorsement, satisfies the requirements of both applicable laws.

Amended by Chapter 204, 1986 General Session